

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ASSOCIATION OF IRRITATED
RESIDENTS, an unincorporated association,

Plaintiff,

V.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Defendants.

Case No. 09-cv-01890 CW

STIPULATION TO DISMISS WITH PREJUDICE

AND

ORDER THEREON

Pursuant to Paragraph 3 of the Consent Decree entered by the Court on December 30, 2009 in the above-captioned matter (Dkt. 20) and Federal Rule of Civil Procedure 41(a)(1), the parties to this action, Plaintiff Association of Irrigated Residents and Defendants United States Environmental Protection Agency et al. ("EPA" or "Agency"), hereby stipulate and agree, through their undersigned counsel, that this action shall be dismissed with prejudice.

Paragraph 3 of the Consent Decree provides that the parties will jointly request the Court to dismiss this action with prejudice when the actions in Paragraph 1 of the Consent Decree, taken pursuant to section 110(k) of the Clean Air Act, 42 U.S.C. § 7410(k), have been completed.

EPA has fulfilled the obligations set forth in Paragraph 1 of the Consent Decree, as amended by the Court on March 22, 2010 (Dkt. 23), which required EPA to: (1) sign for publication in the Federal Register no later than April 12, 2010 a notice of the Agency's final action on San Joaquin Valley Unified Air Pollution Control District Rule 2020 and the portion of Rule 2201 (i.e., Paragraph 4.6.9) submitted to EPA for review on December 29, 2006; and (2) deliver the signed notice to the Office of the Federal Register for publication. *See* Approval and Promulgation of Implementation Plans, State of California, San Joaquin Valley Unified Air Pollution Control District, New Source Review, 75 Fed. Reg. 26,102 (May 11, 2010).

Accordingly, the parties joint request that this action be dismissed with prejudice.

Respectfully submitted,

FOR THE DEFENDANTS:

IGNACIA S. MORENO
Assistant Attorney General
Environment & Natural Resources Division

Dated: June 25, 2010

/s/ Rochelle L. Russell
ROCHELLE L. RUSSELL
United States Department of Justice
Environmental Defense Section
301 Howard Street, Suite 1050
San Francisco, CA 94105
(415) 744-6566
rochelle.russell@usdoj.gov
Attorney for Defendants

Stipulation to Dismiss With Prejudice
and Order Thereon

1 FOR THE PLAINTIFF:

2 Dated: June 25, 2010

/s/ Brent Newell (with permission)
BRENT NEWELL
ALEGRÍA DE LA CRUZ
Center on Race, Poverty & the Environment
47 Kearny Street, Suite 804
San Francisco, CA 94108
(415) 346-4179
bnewell@crpe-ej.org
adelacruz@crpe-ej-org
Attorneys for Association of Irrigated Residents

8 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

10 Dated: 6/28/2010


CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE